

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-13836 - APPLICANT/OWNER: DFA, LLC, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions for Rezoning (ZON-13837), Variance (VAR-14320), Variance (VAR-16049), Special Use Permit (SUP-14329), Special Use Permit (SUP-14324) and Site Development Plan Review (SDR-13833) if approved.
2. Rental product shall not include heavy machinery or heavy equipment used for manufacturing or building construction. Said equipment shall be a maximum height of 12 feet.
3. All rental product shall be screened from view of rights-of-way.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
6. There will be a one year review at a public hearing of the Planning Commission.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a Rental Store With Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The item was abeyed from the 07/27/06 Planning Commission meeting to give the applicant opportunity to meet with surrounding property owners.

EXECUTIVE SUMMARY

The proposed Rental Store use is inappropriate for this site, which is surrounded on three sides by single-family and multi-family residential development. Outdoor storage and space will be provided for general rental equipment, but not for high reach, material handling, manufacturing, or earthmoving equipment, which will be located on the main yard south of Bonanza Road. It requires the Rezoning of the site to C-2 (General Commercial), which is not supported. The recommendation is therefore for denial. If approved, conditions of approval require rental product to be screened from all rights-of-way and prohibit the storage or rental of heavy machinery.

BACKGROUND INFORMATION

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| 07/21/71 | The Board of City Commissioners approved a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) on property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. |
| 09/28/71 | The Planning Commission approved a Plot Plan Review [Z-0039-71(1)] for a proposed two-story 24-unit apartment development at 1804 West Bonanza Road. |
| 06/15/94 | The City Council approved a Rezoning (Z-0043-94) from R-E (Residence Estates) to C-1 (Limited Commercial) at 1724 West Bonanza Road. The approval expired 06/15/96. |
| 12/21/98 | The City Council approved a General Plan Amendment (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) and a request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.0 acre at the northeast corner of Bonanza Road and Clarkway Drive. The Resolution of Intent did not have an expiration date. |

- 05/21/03 The City Council approved requests for a General Plan Amendment (GPA-1989) from M (Medium Density Residential) and SC (Service Commercial) to SC (Service Commercial); Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development on 0.57 acres at 1722 West Bonanza Road. The offices were to be converted from two existing apartment buildings. The Planning Commission and staff recommended approval.
- 01/18/06 The City Council approved a Rezoning (ZON-9925) of property on the south side of Bonanza abutting the current Ahern property from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial). The Planning Commission and staff recommended approval.
- 01/30/06 Planning and Development Department staff denied the applicant's request for a Temporary Commercial Permit (TCP-9385) to allow a Temporary Contractor's Construction Yard on a portion of the subject site. The applicant appealed the denial to the Planning Commission.
- 04/05/06 The City Council approved a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road.
- 03/29/06 The Code Enforcement Division of the Neighborhood Services Department indicated that the site failed to pass a compliance inspection.
- 04/24/06 The Code Enforcement Division of the Neighborhood Services Department issued to the applicant a Notice and Order to Comply with Municipal Code. Violations included employee parking on R-E and R-3 zoned property, portable toilet onsite, vacant R-3 zoned property has piles of refuse, waste, asphalt and dirt, and R-E property being used as commercial storage yard.
- 05/17/06 The City Council approved a revision (GPA-9219) to the land use map of the Downtown Redevelopment Area and an ordinance (Ord. #5830) adopting the amended plan. The amended plan includes all parcels within the subject site.
- 05/25/06 The Planning Commission approved the appeal (DIR-11779) of the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. The Temporary Commercial Permit was not to exceed six months from the date of approval.

09/07/06 The Planning Commission recommended approval of companion items ZON-13837, VAR-14320, VAR-16049, SUP-14324, SUP-14329 and SDR-13833 concurrently with this application.

09/07/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #28/ss).

B) Pre-Application Meeting

05/31/06 Staff advised the applicant of the submittal requirements for each application, and established that the Rental Store, Major Auto Repair Garage, and Truck Rental uses were present and would require Special Use Permits. Standards for each use and for site development were reviewed. The applicant was advised to increase screening of the storage area.

C) Neighborhood Meetings

08/09/06 Title 19 does not require a neighborhood meeting for this application; however, at the suggestion of the Planning Commission, the applicant did hold a meeting in which 22 members of the public attended. The meeting was to be related to the proposed office project to the east of this site, but most questions were focused on the equipment rental proposal. The following concerns were raised:

- When will the berm be removed?
- Why did the berm not have a permit in the first place?
- Why are the hours of operation exceeding the limit placed by Council in DIR-11779?
- Why has the landscaping required by DIR-11779 not been installed?
- How tall will the rental equipment be?
- What will be stored on site? Can a list of those items be given to the residents?
- Request for no access to Washington
- Request to leave site R-E

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 20.53

B) Existing Land Use

Subject Property: Temporary Contractor's Construction Yard and Offices

North: Single-Family Dwellings

South: Equipment Rental Store with Outside Storage

East: Condominiums and Single-Family Dwellings

West: Single-Family Dwellings

C) *Planned Land Use*

Subject Property: C (Commercial – Downtown Redevelopment Designation)
MXU (Mixed-Use – Downtown Redevelopment Designation)
North: R (Rural Density Residential)
South: I (Industrial – Downtown Redevelopment Designation)
East: MXU (Mixed-Use – Downtown Redevelopment Designation)
West: MXU (Mixed-Use – Downtown Redevelopment Designation)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
R-3 (Medium Density Residential)
C-1 (Limited Commercial)
North: R-E (Residence Estates)
South: R-E (Residence Estates)
C-2 (General Commercial)
C-M (Commercial/Industrial)
East: R-3 (Medium Density Residential)
R-E (Residence Estates)
West: R-E (Residence Estates)

E) *General Plan Compliance*

The subject site is designated C (Commercial) and MXU (Mixed Use) by the Downtown Redevelopment Area Land Use Map. A wide range of uses, including low to high-density residential, office, retail and other commercial uses are allowed by these designations. The proposed rental office and storage activities are permitted under these land use categories.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
West Las Vegas Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Area

The subject site is part of the Downtown Redevelopment Area, which is a portion of the overall Las Vegas Redevelopment Area. It is designated for both commercial and mixed commercial and residential uses. No additional development standards are placed on the project as a result of its inclusion in the Redevelopment Plan. Rather, this designation simply targets the property for increased development efforts and improves access to redevelopment assistance.

West Las Vegas Plan

The subject property is located on the edge of the West Las Vegas plan area. This plan focuses mostly on the revitalization of residential areas in the heart of Las Vegas, but its objectives also emphasize the importance of re-investing in deteriorating commercial centers and creating an interesting urban environment. Increasing density and the mixing of uses is also a focus of the plan.

Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District, which restricts the height of buildings to 140 feet in this area of the city. According to Title 19, all development within the airspace above the height of 35 feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces is subject to the height standards established on the Airport Overlay Map. The maximum height of the tallest structure proposed on the subject site is 28 feet; therefore, the proposed structures are not subject to the Airport Overlay District standards.

Trails

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail. A Pedestrian Path, which includes a five-foot wide sidewalk and a minimum five-foot wide commonly owned transition strip containing landscaping and streetlights, is also required along Bonanza Road. Since the Pioneer Trail is already in place, all that is required of the developer is construction of the landscaped transition area, which is indicated as a 16-foot buffer on the plans.

Buffer Area for RPOD

The subject site is not located within the Rural Preservation Overlay District (RPOD) as described in Title 19.06.150. Several parcels on the site formerly in the RPOD were recently removed. The northern portion of the property is located within 330 feet of parcels included in the RPOD. Efforts should be taken therefore to preserve a rural character in this area.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Industrial/ Warehousing (Covered Storage)	99,000 SF	1/1,000 SFGFA	99			
Retail (Hardware Store)	25,200 SF	1/250 SF GFA	101			
Auto Repair Garage, Major	21,600 SF	1/200 SF GFA + 5 spaces	113			
Subtotal	145,800 SF		305	8	528	10
TOTAL	145,800 SF		313		538	

The site complies with Title 19 parking requirements. In addition, four loading spaces are required. The south end of the covered storage area is designated for 500 feet of stacking distance for loading and unloading of large vehicles. A revised site plan dated 08/15/06 adds 223 parking spaces to the previous total. Handicapped spaces are provided in the employee parking area; however, the nearest building is approximately 500 feet away from the designated spaces. Staff recommends the additional handicapped spaces be provided adjacent to the retail building.

The Department of Public Works recommends that the easternmost driveway on the site (the one nearest the existing condominium complex) be eliminated to reduce congestion on Bonanza Road. A traffic impact analysis will be required as a condition of approval of this site, which will determine whether the proposed driveways are appropriate given the context of the site.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Rental Store With Outside Storage use. A similar use is located opposite the subject site on the south side of Bonanza Road.

A3) Site-Related Standards

Standards related to the subject site are discussed in the companion Site Development Plan Review (SDR-13833).

B) General Analysis and Discussion

- Zoning

The site is currently zoned R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential) and C-1 (Limited Commercial). To allow the more intense uses proposed for the site, the applicant has submitted a Rezoning (ZON-13837) to C-2 (General Commercial) concurrent with this application. The applicant will also submit a reversionary parcel map to remove existing internal lot lines on the site, which will allow conformance to C-2 development standards. The Rental Store, Truck Rental and Major Auto Repair Garage uses all require approval of a Special Use Permit prior to operation.

- Use

The proposed Rental Store with Outside Storage is defined by Title 19.20 as “a facility for the rental of general merchandise to the general public and not specifically listed as a different use. Typical general merchandise includes clothing and other apparel, electronics, videos, tools and garden equipment, furniture and other household appliances, special occasion or seasonal items, and similar consumer goods.” Outdoor storage and space will be provided for general rental equipment. Generators, pumps, plumbing supply, flooring and garden equipment are typical items proposed for rental at this facility. High reach, material handling, manufacturing, or earthmoving equipment will not be available for rental or storage on this site. This use is distinguished from the Heavy Machinery and Equipment (Rental, Sales and Service) use, which includes machinery, dump trucks and other heavy equipment that is typically used in building construction, farming, restaurants or manufacturing. These items are available for rental at another location south of Bonanza Road.

In a letter to staff dated 08/10/06, the applicant clarified that equipment storage would not exceed 20,000 pounds and a height of 13 feet, 6 inches. Equipment of this size is still too intense for this site and would qualify as “heavy machinery.” In the same way, equipment exceeding 10 feet cannot be adequately screened from adjacent properties. If approved, it is recommended that smaller equipment be stored.

- Conditions

There are no required conditions of approval in Title 19.08.050 specific to the Rental Store with Outside Storage use. It is recommended that all rental product shall be screened from view of rights-of-way and should be limited to general equipment. The applicant must comply with all conditions of approval of all related cases associated with this site.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Rental Store with Outside Storage use is inappropriate for this site, which is surrounded on three sides by single-family and multi-family residential development. Although heavy equipment for rental will be stored at another location, a rental facility is out of character with this area. It requires the Rezoning of the site to C-2 (General Commercial), which is not supported.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is sufficient in size to accommodate the proposed Rental Store. Adequate screening of storage areas will be required.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Bonanza Road, a 100-foot right-of-way as designated on the city’s Master Plan of Streets and Highways, serves the area proposed for the use. This roadway is of sufficient size to serve the proposed Rental Store with Outside Storage use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Rental Store with Outside Storage use on this site will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

PLANNING COMMISSION ACTION

The Planning Commission added conditions. Condition #2 may be clarified to prevent “commercial” construction to differentiate equipment used by homeowners.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 224 by City Clerk

APPROVALS 0

PROTESTS 0